

DOCKET NO. : 00100.US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Gabriel Vogeli and Linda S. Wood

Serial No.: Not yet assigned

Group Art Unit: Not yet assigned

Filing Date: Herewith

Examiner: Not yet assigned

For: NOVEL G PROTEIN-COUPLED RECEPTORS

EXPRESS MAIL LABEL NO: EL568028411US

DATE OF DEPOSIT: March 8, 2001

Box ☒ Sequence  
☐ Provisional ☐ Design

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

PATENT APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find

☒ A Utility Patent Application under 37 C.F.R. 1.53(b).

It is a continuing application, as follows:

☐ continuation ☐ divisional ☐ continuation-in-part of prior application number  
\_\_\_\_/\_\_\_\_.

☐ A Provisional Patent Application under 37 C.F.R. 1.53(c).

☐ A Design Patent Application (submitted in duplicate).

☐ **Request for Nonpublication.** The invention(s) disclosed in the present application filed herewith has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication

of applications 18 months after filing. Thus, pursuant to 35 U.S.C. §122(b)(2)(B)(i), Applicant(s) request that the above-identified patent application not be published.

Including the following:

- ☐ Provisional Application Cover Sheet.
- ☒ New or Revised Specification, including pages 1 to 173 containing:
- ☒ Specification
  - ☒ Claims
  - ☒ Abstract
  - ☐ Substitute Specification, including Claims and Abstract.
- ☐ The present application is a continuation application of Application No. \_\_\_\_\_ filed \_\_\_\_\_. The present application includes the Specification of the parent application which has been revised in accordance with the amendments filed in the parent application. Since none of those amendments incorporate new matter into the parent application, the present revised Specification also does not include new matter.
- ☐ The present application is a continuation application of Application No. \_\_\_\_\_ filed \_\_\_\_\_, which in turn is a continuation-in-part of Application No. \_\_\_\_\_ filed \_\_\_\_\_. The present application includes the Specification of the parent application which has been revised in accordance with the amendments filed in the parent application. Although the amendments in the parent C-I-P application may have incorporated new matter, since those are the only revisions included in the present application, the present application includes no new matter in relation to the parent application.
- ☐ A copy of earlier application Serial No. \_\_\_\_\_ Filed \_\_\_\_\_, including Specification, Claims and Abstract (pages 1 - @@), to which no new matter has been added TOGETHER WITH a copy of the executed oath or declaration for such earlier application and all drawings and appendices. Such earlier application is hereby incorporated into the present application by reference.

- ☐ Please enter the following amendment to the Specification under the Cross-Reference to Related Applications section (or create such a section) : "This Application:  
☐ is a continuation of ☐ is a divisional of ☐ claims benefit of U.S. provisional Application Serial No. \_\_\_\_\_ filed \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ Signed Statement attached deleting inventor(s) named in the prior application.
- ☐ A Preliminary Amendment.
- ☐ \_\_\_\_\_ Sheets of ☐ Formal ☐ Informal Drawings.
- ☐ Drawing view to publish: Figure \_\_\_\_\_.
- ☐ Petition to Accept Photographic Drawings.
- ☐ Petition Fee
- ☒ An ☐ Executed ☒ Unexecuted Declaration or Oath and Power of Attorney.
- ☐ An Associate Power of Attorney.
- ☐ An ☐ Executed ☐ Copy of Executed Assignment of the Invention to \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ A Recordation Form Cover Sheet.
- ☐ Recordation Fee - \$40.00.
- ☐ The prior application is assigned of record to \_\_\_\_\_
- ☐ Priority is claimed under 35 U.S.C. § 119 of Patent Application No. \_\_\_\_\_  
\_\_\_\_\_ filed \_\_\_\_\_ in \_\_\_\_\_  
(country).
- ☐ A Certified Copy of each of the above applications for which priority is claimed:  
☐ is enclosed.

- ☐ has been filed in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_.
- ☐ An ☐ Executed or ☐ Copy of Executed Earlier Statement Claiming Small Entity Status under 37 C.F.R. 1.9 and 1.27
- ☐ is enclosed.
- ☐ has been filed in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_, said status is still proper and desired in present case.
- ☒ Diskette Containing DNA/Amino Acid Sequence Information.
- ☒ Statement to Support Submission of DNA/Amino Acid Sequence Information.
- ☐ The computer readable form in this application \_\_\_\_\_, is identical with that filed in Application Serial Number \_\_\_\_\_, filed \_\_\_\_\_. In accordance with 37 CFR 1.821(e), please use the ☐ first-filed, ☐ last-filed or ☐ only computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is ☐ included in the originally-filed specification of the instant application, ☐ included in a separately filed preliminary amendment for incorporation into the specification.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
- ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ A copy of Petition for Extension of Time as filed in the prior case.
- ☐ Appended Material as follows: \_\_\_\_\_.
- ☒ Return Receipt Postcard (should be specifically itemized).
- ☒ Other as follows: Paper copy of Sequence Listing Pages 1-160.

**FEE CALCULATION:**

- ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

				SMALL ENTITY		NOT SMALL ENTITY	
				RATE	FEE	RATE	FEE
PROVISIONAL APPLICATION				\$75.00	\$	\$150.00	\$
DESIGN APPLICATION				\$160.00	\$	\$320.00	\$
UTILITY APPLICATIONS BASE FEE				\$355.00	\$	\$710.00	\$ 710
UTILITY APPLICATION; ALL CLAIMS CALCULATED AFTER ENTRY OF ALL AMENDMENTS							
		No. Filed	No. Extra				
TOTAL CLAIMS	163 - 20 =	143		\$9 each	\$	\$18 each	\$2574
INDEP. CLAIMS	17 - 3 =	14		\$40 each	\$	\$80 each	\$1120
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				\$135	\$	\$270	\$ 270
ADDITIONAL FILING FEE					\$		\$
TOTAL FILING FEE DUE					\$		\$4674

- ☒ A Check is enclosed in the amount of \$ 4,674.00.
- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).
- ☐ The issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or

**DOCKET NO. : 00100.US1**

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**PATENT**

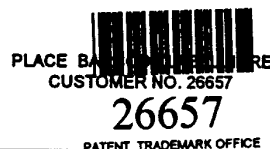
any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: 3/8/2001

  
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PATENT AND TRADEMARK OFFICE

**Paper:** Patent application transmittal letter in dup.; Specification including claims and abstract pages 1-173; **Unexecuted** declaration; Statement to Support Filing and Submission in Accordance with 37 CFR §§ 1.821 through 1.825; Paper copy of the Sequence Listing pages 1- 160; Computer Readable Copy of the Sequence Listing; Check in the amount of \$4,674.00; all via express mail no.: EL568028411US

**Applicant(s) :** Gabriel Vogeli and Linda S. Wood

**Title:** NOVEL G PROTEIN-COUPLED RECEPTORS

**Serial No.:** Not yet assigned

**Filed:** Herewith

**Docket No.:** PHRM-0318 CO/AA/USI

**Date Sent:** March 8, 2001 MD/GJOA/H.Busk

986 U.S. PTO  
**09/794058**  
02/28/01



UNITED STATES PATENT AND TRADEMARK OFFICE



MD/GOSA cb

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Paper 3

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OFFICE OF PETITIONS

NOTE TO FILE

PHRM-0318

WOODCOCK WASHBURN KURTZ  
MACKIEWICZ & NORRIS LLP  
ONE LIBERTY PLACE/46TH FLOOR  
PHILADELPHIA, PA 19103

Woodcock Washburn Kurtz  
Mackiewicz & Norris LLP

In re Application of  
Vogeli, et al.  
Application No. 09/801,944  
Filed: 8 March, 2001  
Attorney Docket No.: 00100.US1

This is a Note to File in response to the letter filed via FAX on 6 August, 2001, and treated as a request to correct Office records under 37 C.F.R. §1.181.<sup>1</sup>

The FAX of 6 August reflects that due to an Office error the receipt card returned to Applicant in response to the filing of the instant application reflected an incorrect and unrelated application number.

Before that error was discovered, Applicant filed a Petition under 37 C.F.R. §1.10 (on 16 April over an 11 April, 2001, mail certificate) and an IDS (on 11 June over a 6 June, 2001, mail certificate).

However, through no fault of the Applicant both of those filings took place under the incorrect application number.

Those filings hereby are transferred to the instant and proper file.

Telephone inquiries should be directed to John J. Gillon, Jr., Attorney, Office of Petitions, at (703) 305-9199.

John J. Gillon, Jr.  
Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>1</sup> The regulations at 37 C.F.R. §1.181 provide, in pertinent part:

**§1.181 Petition to the Commissioner.**

(a) Petition may be taken to the Commissioner: (1) From any action or requirement of any examiner in the *ex parte* prosecution of an application which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court; (2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Commissioner; and (3) To invoke the supervisory authority of the Commissioner in appropriate circumstances. \* \* \*

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Brief or memoranda, if any, in support thereof should accompany or be embodied in the petition; and where facts are to be proven, the proof in the form of affidavits or declaration (and exhibits, if any) must accompany the petition.

(c) When a petition is taken from an action or requirement of an examiner in the *ex parte* prosecution of an application, it may be required that there have been a proper request for reconsideration (§1.111) and a repeated action by the examiner. The examiner may be directed by the Commissioner to furnish a written statement, within a specified time, setting forth the reasons for his decision upon the matters averred in the petition, supplying a copy thereof to the petitioner.

(d) Where a fee is required for a petition to the Commissioner the appropriate section of this part will so indicate. If any required fee does not accompany the petition, the petition will be dismissed. \* \* \*

(f) Except as otherwise provided in these rules, any such petition not filed within 2 months from the action complained of, may be dismissed as untimely. The mere filing of a petition will not stay the period for reply to an Examiner's action which may be running against an application, nor act as a stay of other proceedings. \* \* \*